

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:24-CV-00063-FDW-DCK

JOSEPH A. NESBITT, II,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
ALEJANDRO MAYORKAS,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court *sua sponte* concerning the status of this case. Plaintiff filed his *pro se* Complaint and Motion to Proceed *in forma pauperis* on January 18, 2024. (Doc. Nos. 1–2.) On January 22, 2024, the Court issued an Order, granting Plaintiff’s Motion to Proceed *in forma pauperis* and dismissing Plaintiff’s Complaint. (Doc. No. 3.) The Court allowed Plaintiff twenty-one (21) days to file a superseding Amended Complaint. (*Id.*) On February 16, 2024, twenty-five (25) days after entry of the Court’s Order, Plaintiff filed an “Email/Letter.” (Doc. No. 4.) Plaintiff’s “Email/Letter” lists a series of chronological events he claims occurred during his employment at Charlotte-Douglas Airport. (*Id.*)

A *pro se* complaint must be construed liberally. See Haines v. Kerner, 404 U.S. 519, 520 (1972); see also Smith v. Smith, 589 F.3d 736, 738 (4th Cir. 2009) (“Liberal construction of the pleadings is particularly appropriate where . . . there is a *pro se* complaint raising civil rights issues.”). “The special judicial solitude with which a district court should view . . . *pro se* complaints does not transform the court into an advocate. Only those questions which are squarely presented to a court may properly be addressed.” Weller v. Dep’t of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990).

The Court gave Plaintiff twenty-one days to file a superseding Amended Complaint. To date, Plaintiff has not done so. As explained in its previous Order, the Court cannot construct claims for a party. (Doc. No. 3., p. 3.)

IT IS THEREFORE ORDERED that Plaintiff shall have twenty-one (21) days of this Order (specifically on or before November 19, 2024) to file a superseding Amended Complaint in accordance with this Order and the Court's previous Order, (Doc. No. 3). If Plaintiff fails to timely comply with this Order, this case will be dismissed and closed without further notice.

IT IS SO ORDERED.

Signed: October 29, 2024



Frank D. Whitney
United States District Judge

